

**Borough of Millstone**

Planning Board  
Regular Meeting  
August 26, 2008

Chairman Dorschner called the meeting to order at 7:31 pm. There were ten members of the public present.

Chairman Dorschner read the following statement:

“The regular meeting of the Millstone Borough Planning Board will please come to order. Adequate notice of this meeting has been noticed to the Hillsborough Beacon and Courier News and posted at Borough Hall. If any member of this body believes this meeting is being held in violation of the Open Public Meetings Act, please state your views at this time, stating the reason for which you feel the notice is improper. Hearing none, we will proceed to the next item on the agenda.”

**Roll Call:**

Present:	Dan Devoti	Keith Dorschner
	Christine Fung	Carol Halm
	Ray Heck	Richard McDermott
	Rebecca Newman	Jessica Pyatt

Also present: Gerald J. Muller, Esq – Planning Board Attorney  
Carter Van Dyke – Planning Consultant  
Denise Piskowski, Board Secretary

Absent: Sal Ciurleo

*On a motion by Mr. Heck, seconded by Ms. McDermott the Board opened the meeting to the Public.*

**OPEN TO THE PUBLIC:**

Tom Hitchcock, 5720 Stillforest Drive, Dallas, Texas, owner of the Rzem property. Mr. Hitchcock stated that he was here to update the Board on their property and read a statement to the Board outlining a history of the property, which included a Green Acres acquisition agreement. He also included in his statement reference to a meeting in the Governors office, which included Green Acres. He stated that Green Acres informed them that they had no intention to be the main funding party to purchase their property. The Rzem’s are now terminating their agreement with the Borough effective in 5 days. He also included in his statement the Rzem family dissatisfaction with the zoning of the property. They are offering to sell 5 acres to the Borough for \$1.00 and would like to develop the rest of the property. They also offered another option that includes letting them use the buffer zones for residential homes so that they could build 150 houses. The statement also included reference to the lack of sewers in the Borough. Mr. Hitchcock also read parts of letters from COAH and Mr. Offen regarding sewers.

Mr. Dorschner asked for a copy of the statement that Mr. Hitchcock read. Mr. Hitchcock will leave a copy for the Board.

Mr. Van Dyke informed Mr. Hitchcock that he and Mr. Muller would review their documents and correct any inaccuracies. Mr. Muller also informed the public that an application was submitted to the County regarding sewers. The Borough is not in a sewer service area and an application has been filed with the County for submission to the State. An agreement has been reached with Hillsborough regarding sewers.

Joan Shuttner, 30 Maple Terrace, asked if the decisions made for the Rzem property take other developments into account. Ms. Newman assured her that the Board does take into account how surrounding development affect the Borough.

Linda Develder 1393 Main Street, thanked the Board for letting the Chicklit Books tenant remain on the property. She also corrected the spelling of the name for the Resolution. Mr. Muller gave her a copy of the Resolution. Mr. Muller asked if she had talked to the HDC regarding their sign.

*On a motion by Mr. McDermott, seconded Ms. Fung, the Board closed the meeting to the Public.*

## **RESOLUTIONS**

Mr. Muller reviewed the restrictions in the Resolution for the Chicklits Bookstore. The Board discussed the parking at this site. Ms. Develder explained that Ms. Hunter attended the meeting at her behalf and asked that the Resolution show correctly Linda and John Develder as the property owners receiving the waiver. Ms. Develder questioned that the parking spaces allowed should be allocated according to square footage. She stated that they could accommodate 4 parking spaces and that the parking restriction in the Resolution is too open ended. Ms. Pyatt explained that this was a waiver from the site plan for a change of use and the Board can require that a site plan application be submitted. Ms. Pyatt also informed her that this Resolution allows for the Board requiring a site plan application in the future if they see a change in the traffic at the property. Ms. Develder stated that they are also selling antiques in the same location under the name The Millstone Workshop. Mr. Devoti explained that this Resolution was granted by the Board because they felt that this property was not going to be used for large groups and that the Resolution gave the Borough oversight of the property to ensure that the parking at this site does not increase without proper approvals. Ms. Develder stated that she understood. Ms. Halm asked about the sign not conforming and stated that Ms. Develder should have been at the HDC meeting regarding installing a proper sign. Ms. Pyatt stated that the tenant told the Board that she would take down the sign. Ms. Develder was also informed that Ms. Hunter had been told that there could not be large groups at the bookstore. Mr. Muller outlined the changes that were going to be made to the Resolution.

*On a motion by Mr. McDermott, seconded by Ms. Fung, the Board approved the Resolution for the Chicklits Bookstore with the discussed changes. Mr. Dorschner, Ms. Newman and Ms. Halm abstained.*

## **SITE PLAN REVIEW**

30 Maple Terrace

Mr. Muller explained to the Board that this is a variance application for an addition on an undersized lot and that the public notice was proper except that the certified mailing had not been done properly. Mr. Devoti stated that a waiver was received from each property owner but one. Mr. Muller stated that the Board does not have jurisdiction and cannot hear the application without the proper certified mailing. Mr. James Zelesnick informed the Board that the application he received from Mr. DeMuro stated that certified mailing was 7 days. Mr. Muller informed him that the Board cannot approve this application at this meeting and the applicant would have to re-notice so that the application could be heard at the next meeting and then wait one month to receive a Resolution before he could start work. Mr. James Zelesnick informed the Board that he would change the plans and reduce the size of the addition so that a variance would not be required, but decided with the Shuttners that they would lose too much space to pursue this idea. Mr. Devoti explained the application to the Board. The Board discussed the application. Mr. Muller stated that a special meeting could be held in two weeks, however publication would be required to be done within 10 days of the meeting. Mr. Muller also stated that the Board could hear a concept at tonight's meeting and the Board could hear the formal application at the next meeting and Mr. Muller could also have the Resolution ready for approval at the next meeting. The Board elected to hear a concept review.

Joan and Bob Shuttner, 30 Maple Terrace. Mr. James Zelesnick, Tri State Contracting Services. Mr. Zelesnick reviewed the proposed addition with the Board.

#### **APPROVAL OF MEETING MINUTES**

The Board reviewed the minutes and asked for some minor corrections.

*On a motion by Ms. Fung, seconded by Ms. Pyatt, the Board approved the July 2008 meeting minutes.*

#### **REVIEW AND VOTE ON PROFESSIONALS' INVOICES**

*On a motion by Mr. McDermott, seconded by Mr. Dorschner, the Board approved the July 2008 invoices for Mr. Muller and Mr. Van Dyke.*

#### **DISCUSSION**

Mr. Muller reviewed the proposed amendment to the Ordinance adding an application fee and escrow deposit for waiver applications. The Board reviewed the fees and decided that the escrow deposit for waiver applications should be \$750 with a \$50 non-refundable application fee. With an aye vote by all the Board asked Mr. Muller to make this change to the Ordinance.

Mr. Muller reviewed the current ordinance regarding Affordable Housing fees. COAH has new regulations. COAH is increasing the fees to 1.5% for residential alterations, additions and new developments. Mr. Muller asked the Board if they would like the ordinance changed to reflect this new regulation. A discussion ensued.

*On a motion by Mr. Dorschner, seconded by Mr. Devoti, with an aye vote by all but Mr. McDermott, the Board voted to raise the COAH fee from 1% to 1.5% for new construction.*

The Board discussed raising the COAH fee for additions and alterations. The Board decided to not raise the fee for alterations.

Mr. Dorschner motioned that the Borough charge 1.5% fee for additions greater than 50% of the home. No one seconded. The Board decided to not raise the fee for additions.

Mr. Van Dyke reviewed the proposed amendment to the TND Ordinance. The Board discussed the proposed changes. Mr. Heck asked the Board members to take this Ordinance and review it before the next meeting and be prepared to discuss it at the next meeting. Mr. Van Dyke reviewed some additional changes for the Board to consider.

Mr. Muller explained the Resolution for The Creamery. Mr. Muller explained that Mr. Singer, the owner of the property, is required to submit a site plan and use variance application for this property. Mr. John Prudente, 5 Maple Terrace, of the Creamery will provide Ms. Newman with contact information.

*On a motion by Mr. Heck, seconded by Ms. Fung, the Board voted to approve the Resolution for The Creamery. Mr. Dorschner, Ms. Halm and Ms. Newman abstained.*

Mr. Van Dyke reviewed maps showing the proposed amendment to the Wastewater Management Plan service area. The Board discussed the amendment.

Mr. Van Dyke informed the Board that he could not attend the next Plan Endorsement and Open Space Plan meeting and asked that the Board meet on October 7<sup>th</sup> at 7:30 for a Public Meeting.

## **REPORTS/OPEN TO BOARD MEMBERS AND PROFESSIONALS**

### **Dan Devoti, Zoning Officer**

Mr. Devoti informed the Board that Hillsborough was meeting on September 25<sup>th</sup> regarding sewers.. Mr. Heck stated that the Borough should have a representative at this meeting.

Mr. Kestner has had the Borough road contractor put stone on a portion of the JPP property that should be seeded. Mr. Hepworth had this seeded. Mr. Devoti will contact Mr. DeMuro to find out who authorized this and have the contractor remove the stone reseed the disturbed area. A discussion ensued.

### **Carol Halm, Council Person**

- The road work and detour is creating the expected traffic problems.
- Council investigated employing Franklin Township Police to patrol the Borough. However, their new contract makes this cost prohibitive and there is no way to regulate the costs.
- The tax payments are due October 3<sup>rd</sup>.

### **Mr. Heck, Mayor**

- Research is being done for putting speed humps on Main Street

*There being no public on a motion by Mr. Heck, seconded by Ms. Newman, the Board went into Executive Session.*

*On a motion by Mr. Heck, seconded by Ms. Fung, the Board agreed to close Executive Session and adjourn the meeting at 11:14 pm*

Submitted,

Denise Piskowski  
Planning Board Secretary